

REMARKS

The above Amendments and following Remarks are in response to the Office action mailed August 06, 2008. Claim 4 has been amended. Claims 1-11 remain pending in the application. Applicant appreciates Examiner's careful review of the present application.

Applicant respectfully submits that all the hitherto pending claims are now placed in condition for allowance. Detailed reasons for allowance are as follows:

Claim Rejections Under 35 U.S.C. § 101

Claims 4-11 were rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In response to this rejection, Applicant has amended claim 4 by including materials of hardware or a combination of hardware and software thereto. Amended claim 4 recites the use of certain technology, such as a system (i.e., a product machining scheduling system), a computer (i.e., a client computer) or a database. Furthermore, amended claim 4 is recited as being computer-enabled, and can only be performed by carrying out one or more steps for assessing employees' performances according to work hours, work efficiencies and work qualities. Most particularly, amended claim 4 recites the limitation of "generating a performance report of the employee, and showing the performance report on an interface of the client computer" (see para. [0016], lines 2-4 thereof, in the specification as originally filed).

Therefore, it is submitted that amended claim 4 has clearly shown practical application in the technological arts. The invention requires physical acts to be performed outside the computer (i.e., an application server) prior to the computer performing one or more steps according to a computer-enabled performance assessing method. The one or more steps are a necessary prerequisite in obtaining the practical result or outcome of **a performance report of each employee**. This is a direct effect

on the physical world outside the computer (application server/database/client computer). Furthermore, the result obtained is not a mere mathematical construct, but literally the performance report of the employee, which is invaluable information that enables a manufacturing enterprise to make well-founded strategic manufacturing decisions on the employee's performances. In addition, **the performance report of the employee is showed on an interface of the client computer for managers of the manufacturing enterprise, and is indeed a real-world result which has beneficial effect for the manufacturing enterprise.** Therefore, the result produced by carrying out the claimed method of claim 4 is useful, concrete, and tangible.

For at least the above reasons, it is submitted that amended claim 4 is directed to statutory subject matter. Claims 5-11 depend directly or indirectly from amended independent claim 4. Accordingly, Applicant requests reconsideration and removal of the rejection of claims 4-11 under 35 U.S.C. 101.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-5, and 10-11 were rejected under 35 U.S.C. 102(e) as being anticipated by Zeif (US Pat. No. 7209859).

Claim Rejections Under 35 U.S.C. § 103

Claims 6-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Zeif (US Pat. No. 7209859).

Claims 1-3

Claim 1 recites in part:

“the database stores *a plurality of products machining documents* and a plurality of performance assessing tables of employees; and

the application server comprises:

a machining status tracing module for *collecting daily schedule results from the product machining scheduling system, storing the schedule results in a corresponding*

products machining document, and storing each product's machining status, actual starting time and actual finishing time in the products machining document, [and]

a performance assessing module for ***generating a starting time record and a finishing time record for each product according to the products machining documents, ...***” (emphasis added).

Applicant submits that Zeif does not disclose, teach, or otherwise suggest the invention having the above-highlighted features as set forth in claim 1.

Zeif discloses that an automated collected data table 245 may be, for example, a data table, array, etc., that stores a real time data as it is received by a PC 240, and the automated collected data table 245 may be stored in a temporary memory of the PC 240 (column 11, lines 54-56). Zeif further discloses that a schedule shift time column 838 records the amount of time on a particular shift that the equipment is scheduled for operation, and a production run time column 839 records the amount of time the equipment is actually operated during the shift (column 12, lines 54-60). In addition, Zeif discloses GUI 500 that tracks employee efficiency over a specified period of time by using the data table, and the information of the data table includes the date, the active time, the inactive time, the total time and the efficiency (column 29, lines 49-61).

For argument sake, we assume that the performance assessing table of claim 1 of the present application is equated with the automated collected data table of Zeif. However, as claimed in claim 1, each product's machining status, actual starting time, and actual finishing time are stored in the products machining documents, and not in the performance assessing table. Thus, Applicant submits that the claimed “products machining documents” of claim 1 is not mentioned or disclosed by Zeif, or what is the same thing, Zeif automated collected data table cannot be two different things at the same time. Starting time record and a finishing time record for each product are generated according to the products machining documents. That is, the products

machining documents is key to generate the starting time record and a finishing time record for each product, but such key feature is not disclosed or suggested by Zeif at all.

For at least the above reasons, Applicant submits that Zeif fails to disclose or teach the feature of “a machining status tracing module for *storing each product’s machining status, actual starting time and actual finishing time in the products machining document*,” and further fails to disclose or teach the feature of “a performance assessing module for *generating a starting time record and a finishing time record for each product according to the products machining documents*,” as recited in claim 1 of the present application. Accordingly, Applicant submits that the products machining documents as provided by claim 1 is distinctly and patentably different from the automated collected data table disclosed by Zeif.

In addition, Applicant submits that the presented claimed “product machining scheduling system” of claim 1 is not mentioned or disclosed by Zeif at all. In particular, there is no disclosure or teaching in relation to the features of “*collecting daily schedule results from the product machining scheduling system, storing the schedule results in a corresponding products machining document*,” in lines 54-60 of column 12, even in the whole disclosure of Zeif. Accordingly, Applicant submits that Zeif fails to disclose or teach the features of “a machining status tracing module for *collecting daily schedule results from the product machining scheduling system, storing the schedule results in a corresponding products machining document, ...*” as recited in claim 1 of the present application.

In conclusion, Applicant submits that Zeif fails to disclose, teach, or even suggest the present invention having the above-highlighted features as set forth in claim 1. Accordingly, claim 1 is not only novel under 35 U.S.C. §102(e) over Zeif, but also unobvious and patentable under 35 U.S.C. §103(a) over Zeif. Reconsideration and removal of the rejection and allowance of claim 1 are requested.

Claims 2-3 depend from independent claim 1, and thus include all of the limitations of independent claim 1. Therefore, Applicant believes that claims 2-3 should also be allowable.

Claims 4-11

Claim 4, as amended, recites in part:

“collecting daily schedule results from a product machining scheduling system, and storing the daily schedule results in a products machining document that is stored in a database;

storing actual starting time, actual finishing time, and machining status of each of products in the products machining document; [and]

generating a starting time record and a finishing time record according to the products machining document” (emphasis added).

Amended claim 4 is a method claim corresponding to the performance assessing system of claim 1. Referring to and incorporating herein the above-asserted reasons regarding the patentability of claim 1, Applicant submits that, for similar reasons, Zeif fails to disclose, teach, or even suggest the present invention having the above-highlighted features as set forth in amended claim 4. Accordingly, amended claim 4 is not only novel under 35 U.S.C. §102(e) over Zeif, but also unobvious and patentable under 35 U.S.C. §103(a) over Zeif. Reconsideration and removal of the rejection and allowance of amended claim 4 are requested.

Claims 5-11 depend from amended independent claim 4, and thus include all of the limitations of amended independent claim 4. Therefore, Applicant believes that claims 5-11 should also be allowable.

CONCLUSION

Applicant submits that the foregoing Amendment and Response place this application in condition for allowance. If Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, please call the undersigned at 714.626.1224.

Respectfully,

Yeh et al.

By /Frank R. Niranjani/ Date: October 20, 2008

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